

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 23-cr-20706

Hon. Matthew F. Leitman

v.

ELIJAH DESEAN LEWIS,

Defendant.

**ORDER DENYING WITHOUT PREJUDICE DEFENDANT’S SECOND
EMERGENCY MOTION FOR REVOCATION OF DETENTION ORDER
(ECF No. 32) AND SETTING REQUIREMENTS FOR DEFENDANT’S
POST-SURGERY CONVALESCENCE**

Defendant Elijah Desean Lewis is currently awaiting sentencing in connection with his plea of guilty to a charge of being a felon in possession of a firearm. He has been detained and is in the custody of the Bureau of Prisons (“BOP”). Lewis has filed a Second Emergency Motion for Revocation of Detention Order. (*See* ECF No. 32.) It is now pending before the Court. In the motion, Lewis says that he needs oral surgery and that the BOP has refused to provide that care. He also complains that he has received sub-standard care in connection with the condition that is necessitating his oral surgery.

The Court held a hearing on the motion on August 4, 2024. During the hearing, the Court learned that the BOP has scheduled Lewis for surgery. Given that

development, Lewis modified his requested relief. He now seeks to be released during the period of his recovery from surgery. He seeks that relief because he is concerned that the BOP will not provide adequate post-operative care.

As the Court explained on the record, the Court does have concerns about the quality of medical care that has been provided to Lewis up to this point and about the care that may be provided to Lewis post-surgery. The Court believes that there is a way to address those concerns short of releasing Lewis from custody. Accordingly, **IT IS HEREBY ORDERED** that:

1. Lewis' Second Motion for Revocation of Detention Order is **DENIED WITHOUT PREJUDICE**. Lewis may renew the motion, if necessary and appropriate, as set forth below.

2. For the first ten days after Lewis is discharged from the hospital and returned to a BOP facility following his surgery, a representative of BOP medical staff shall provide the Court with a written status report concerning Lewis' condition and the treatment being provided to him. Assistant United States Attorney Sarah Alsaden shall obtain the reports from the BOP and transmit them by email to the Court's Case Manager Holly Ryan at Holly_Ryan@mied.uscourts.gov.

3. For the first ten days after Lewis is discharged from the hospital and returned to a BOP facility following his surgery, representatives of the BOP shall

ensure that Lewis has access to a telephone for at least fifteen minutes per day and that he has the ability to call his attorney during that period of access.

4. If, following surgery, Lewis and his attorney determine that the BOP is failing to provide medically appropriate and necessary care, counsel may re-file an emergency motion for revocation of detention order, and the Court will hear and decide the motion on an expedited basis.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: September 4, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 4, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126